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10/572,898	12/21/2006	Gert Anders	2003P12785WOUS	2978

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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JIANG, CHARLES C

ART UNIT	PAPER NUMBER
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2472

MAIL DATE	DELIVERY MODE
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02/16/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,898	<b>Applicant(s)</b> ANDERS ET AL.	
	<b>Examiner</b> CHARLES C. JIANG	<b>Art Unit</b> 2472	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15, 18-21 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 18-21, 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection. Specifically, the applicant introduced new claim limitations, such as "services requested by the services access unit becoming active in the automation system" that require a new search and a new ground of rejection.
2. Applicant's arguments with respect to other claims depend on the arguments for claim 15, thus are also moot for the same reason.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 15, 18 and 20-21, 24, 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671 in view of Greenlee, US 2004/0268176.

6. As per claim 15, Daffner teaches a system for using services provided by a communication network (Daffner, Fig. 1, Elements 1, 8 and PSTN/Internet, Paragraphs 5, 7-10), the system comprising: a communication network having internet mechanisms (Daffner, Fig. 1, PSTN/Internet) ... at least one automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) having automation components (Daffner, Fig. 1, Elements 2, 3, 4 represent the automation components, Paragraphs 41) connected by a conventional field bus (Daffner, Fig. 1, Element 5, Paragraph 41), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line); and a service access unit operative as one element of the automation system (Daffner, Fig. 1, Element 7, Paragraph 42), the service access unit for connecting the conventional field bus to the communication network (Daffner, Fig. 1, Element 7 connects Element 5, the field bus to the PSTN/Internet, Paragraphs 44-46), ... the service access unit further including a protocol converter for adapting a first communication protocol used by the services to a second communication protocol used by the field bus (Daffner, Paragraphs 8-10 and 42), ...

7. Daffner does not teach ... and a central register database for providing information about the services accessible from the communication network; ... wherein the service access unit operates as a client for requesting the-services, as requested by

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automation components, from the communication network and operates as a server for providing web services in the communication network, ... thereby permitting the automation components to communicate with internet mechanisms of the communication network, the service access unit further comprising a search means for addressing the central register database, services requested by the service access unit becoming active in the automation system.

8. However, Greenlee teaches ... and a central register database for providing information about the services accessible from the communication network (Greenlee, Fig. 1, Elements 14 and 20, Paragraph 16); ... wherein the service access unit operates as a client for requesting the-services, as requested by automation components (Greenlee, Fig. 1, Element 20 and 22, Paragraph 16), from the communication network and operates as a server for providing web services in the communication network (Greenlee, Fig. 1, Elements 14 and 20, Paragraph 16), ... thereby permitting the automation components to communicate with internet mechanisms of the communication network (Greenlee, Fig. 1, Element 20 and 22, Paragraph 16), the service access unit further comprising a search means for addressing the central register database (Greenlee, Fig. 1, Element 30, Paragraph 17, "program 30 sends out search requests for web pages"), services requested by the service access unit becoming active in the automation system (Greenlee, Paragraph 17).

9. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Greenlee into Daffner. Daffner already teaches connecting automation devices to a network with a modem, it would have been

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obvious to replace the modem with a server because the benefits provided, i.e. to provide a pool of shared resources and backup (Greenlee, Paragraph 2) in the analogous art of computer networking.

10. As per claim 21, Daffner teaches a method for using services provided in at least one communication network (Daffner, Fig. 1, Elements 1, 8 and PSTN/Internet, Paragraphs 5, 7-10) having internet mechanisms (Daffner, Fig. 1, PSTN/Internet) and at least one automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) comprising automation components (Daffner, Fig. 1, Elements 2, 3, 4 represent the automation components, Paragraphs 41) connected by a conventional field bus (Daffner, Fig. 1, Element 5, Paragraph 41), the method comprising: connecting the conventional field bus to the communication network by a service access unit (Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line) ... the service access unit operative as one element of the automation system (Daffner, Fig. 1, Element 7, Paragraph 42); adapting a first communication protocol used by the services to a second communication protocol used by the field bus by a protocol converter included in the service access unit (Daffner, Paragraphs 8-10 and 42),

11. Daffner does not teach ... and the communication network having a central register database for providing information about the services accessible the communication network, ... thereby permitting the automation components to access internet mechanisms of the communication network; and accessing the services by the

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automation components using the service access unit as a client, the services requested by the automation components, wherein the service access unit operates as a server for providing services in the communication network, the service access unit comprising a search means for addressing the central register database, services requested by the service access unit becoming active in the automation system.

12. However, Greenlee teaches ... and the communication network having a central register database for providing information about the services accessible the communication network (Greenlee, Fig. 1, Elements 14 and 20, Paragraph 16), ... thereby permitting the automation components to access internet mechanisms of the communication network (Greenlee, Fig. 1, Element 20 and 22, Paragraph 16); and accessing the services by the automation components using the service access unit as a client, the services requested by the automation components (Greenlee, Fig. 1, Element 20 and 22, Paragraph 16), wherein the service access unit operates as a server for providing services in the communication network (Greenlee, Fig. 1, Elements 14 and 20, Paragraph 16), the service access unit comprising a search means for addressing the central register database (Greenlee, Fig. 1, Element 30, Paragraph 17, "program 30 sends out search requests for web pages"), services requested by the service access unit becoming active in the automation system (Greenlee, Paragraph 17).

13. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Greenlee into Daffner. Daffner already teaches connecting automation devices to a network with a modem, it would have been

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obvious to replace the modem with a server because the benefits provided, i.e. to provide a pool of shared resources and backup (Greenlee, Paragraph 2) in the analogous art of computer networking.

14. As per claim 28, Daffner teaches a service access unit for connecting(Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42) an automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) having automation components (Daffner, Fig. 1, Elements 2, 3, ,4 represent the automation components, Paragraphs 41) to a communication network having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet), ... the service access unit comprising a protocol converter for adapting a first communication protocol used by the services to a second communication protocol used by a conventional field bus (Daffner, Fig. 1, Element 1, 5, 7, Paragraphs 8-10 and 42), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line), the service access unit operative as one element of the automation system (Daffner, Fig. 1, Element 7, Paragraph 42), the conventional field bus connecting the automation components (Daffner, Fig. 1, Element 5, Paragraph 41), ...

15. Daffner does not teach ... the communication network having a central register database for providing information about the services accessible from the communication network, ... wherein the service access unit further operates as a client for requesting services from the communication network, or as a server for providing services in the communication network and permitting the automation components to



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communicate with access-the internet mechanisms of the communications network, the service access unit further comprising a search means for addressing the central register database, services requested by the service access unit becoming active in the automation.

16. However, Greenlee teaches ... the communication network having a central register database for providing information about the services accessible from the communication network (Greenlee, Fig. 1, Elements 14 and 20, Paragraph 16), ... wherein the service access unit further operates as a client for requesting services from the communication network (Greenlee, Fig. 1, Element 20 and 22, Paragraph 16), or as a server for providing services in the communication network (Greenlee, Fig. 1, Elements 14 and 20, Paragraph 16) and permitting the automation components to communicate with access-the internet mechanisms of the communications network (Greenlee, Fig. 1, Element 20 and 22, Paragraph 16), the service access unit further comprising a search means for addressing the central register database (Greenlee, Fig. 1, Element 30, Paragraph 17, "program 30 sends out search requests for web pages"), services requested by the service access unit becoming active in the automation (Greenlee, Paragraph 17).

17. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Greenlee into Daffner. Daffner already teaches connecting automation devices to a network with a modem, it would have been obvious to replace the modem with a server because the benefits provided, i.e. to

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provide a pool of shared resources and backup (Greenlee, Paragraph 2) in the analogous art of computer networking.

18. As per claims 18 and 24, the system according to claims 15 and 21, wherein the services are web services (Greenlee, Paragraph 17, webpage).

19. As per claims 20 and 26, the system according to claims 15 and 21, wherein the service access unit provides further services in the communication network (Greenlee, Paragraph 2).

20. Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671 in view of Greenlee, US 2004/0268176 as applied to claims 15 and 21 above, further in view of Dutta, US2002/0124056.

21. As per claims 19 and 25, Daffner and Greenlee teach the system according to claims 15 and 21, ...

22. Daffner and Greenlee teach do not teach ... wherein the communication network is an intranet. However Dutta teaches ... wherein the communication network is an intranet (Dutta, Paragraph 20).

23. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Dutta into Daffner and Greenlee. Because intranet has been well known in the art at the time of the invention, Daffner and Greelee both teach internet and Dutta specifically teaches intranet in the analogous art of computer networking.

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24. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671 in view of Greenlee, US 2004/0268176 as applied to claim 21 above, further in view of Moran, US 2003/0083941.

25. As per claim 27, Daffner and Greenlee teach the method according to claim 21,

...

26. Daffner and Greenlee teach do not teach ... wherein the services include executing a software update of at least one of the automation components.

27. However, Moran teaches ... wherein the services include executing a software update of at least one of the automation components.

28. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Moran into Daffner and Greenlee. Since Daffner and Greenlee suggest a method and a system of remotely accessing, managing and providing for data, through internet, intranet and other networking solutions, wired or wirelessly and Moran also suggests internet communication, in particular, updating a device driver automatically through the use of internet, hence providing the benefit of remotely delivery of computing solutions in the analogous art of internet communication on a personal computing device.

### ***Conclusion***

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES C. JIANG whose telephone number is (571)270-7191. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 517-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Trost/  
Supervisory Patent Examiner, Art  
Unit 2472

/C. C. J./  
Examiner, Art Unit 2472